

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

In re: PHARMACEUTICAL INDUSTRY AVERAGE  
WHOLESALE PRICE LITIGATION,

THIS DOCUMENT RELATES TO THE MASTER  
CONSOLIDATED CLASS ACTION,

MDL No. 1456

Civil Action No. 01-12257-PBS

**NONPARTY NEIGHBORHOOD HEALTH PLAN, INC.'S MOTION FOR  
LEAVE TO FILE RESPONSE TO DEY, INC.'S AND ABBOTT  
LABORATORIES' OBJECTIONS TO THE ORDER OF CHIEF MAGISTRATE  
JUDGE BOWLER ISSUED ON FEBRUARY 4, 2006 PURSUANT TO FED. R.  
CIV. P. RULE 72(a)**

Nonparty Neighborhood Health Plan, Inc. respectfully requests leave to file a Response to defendants Dey, Inc's ("Dey") and Abbott Laboratories' Objections to the Order (Bowler, J) dated February 4, 2006 allowing NHP's Motion for a Protective Order concerning a subpoena from Dey.

Respectfully submitted,

Neighborhood Health Plan, Inc.,

By its Attorneys,

/s/Susan Hughes Banning

Susan Hughes Banning  
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Dated: March 8, 2006

**CERTIFICATE OF SERVICE**

I, Susan Hughes Banning, counsel to nonparty Neighborhood Health Plan, Inc., hereby certify that on March 8, 2006, I caused copies of Nonparty Neighborhood Health Plan, Inc.'s Motion for Leave to File Response to Dey, Inc.'s and Abbott Laboratories' Objections to the Order of Chief Magistrate Judge Bowler Issued on February 4, 2006 Pursuant to Fed. R. Civ. P. Rule 72(a) to be served electronically on counsel of record.

/s/Susan Hughes Banning  
Susan Hughes Banning